



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Intention to Vacate Vine Street from Southern Pacific Railroad (SPRR) Right of Way to 100 Feet East on Vine Street

MEETING DATE: July 21, 1999

PREPARED BY: Public Works Director


RECOMMENDED ACTION: That the City Council, after reviewing the finding by the Planning Commission and the public comments from the subject public hearing, adopt the attached resolution approving the abandonment of the west 100 feet of East Vine Street, as shown on Exhibit A.

BACKGROUND INFORMATION: Pacific Coast Producers (PCP) requested that the west 100 feet of Vine Street be abandoned in order to secure the property so forklifts can cross the street without having gates to go through. Additionally, the fence blocking the railroad tracks at Vine Street is periodically vandalized and schoolchildren use this area to cross the tracks. With the installation of another fence across Vine Street, the likelihood of children crossing two fences to cross the tracks is lessened. Only PCP, who owns the property on either side of the street, uses this portion of Vine Street. The abandonment of this portion of the street will also decrease the forklift traffic now using other portions of Vine Street.

A permanent easement will be maintained for all water, sanitary and industrial wastewater mains, valves, meters, and manholes. City personnel will have access to these facilities at any time for routine and emergency repairs, maintenance and inspections. There will be no storage or construction on the abandoned street area. All agencies and departments have been notified of the intention to vacate, and all concerns have been met.

This action is to be considered by the Planning Commission on July 14, after Council Communications are due to the City Clerk. Information regarding the Planning Commission action will be given prior to the public hearing.

FUNDING: Not applicable.


Richard C. Prima, Jr.
Public Works Director

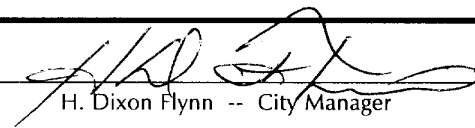
Prepared by Sharon Blaufus, Administrative Assistant

RCP/SB/lm

Attachments

cc: City Attorney
Community Development Director
Street Superintendent
Police Chief
Fire Chief
Affected Property and Business Owners

APPROVED: _____


H. Dixon Flynn -- City Manager

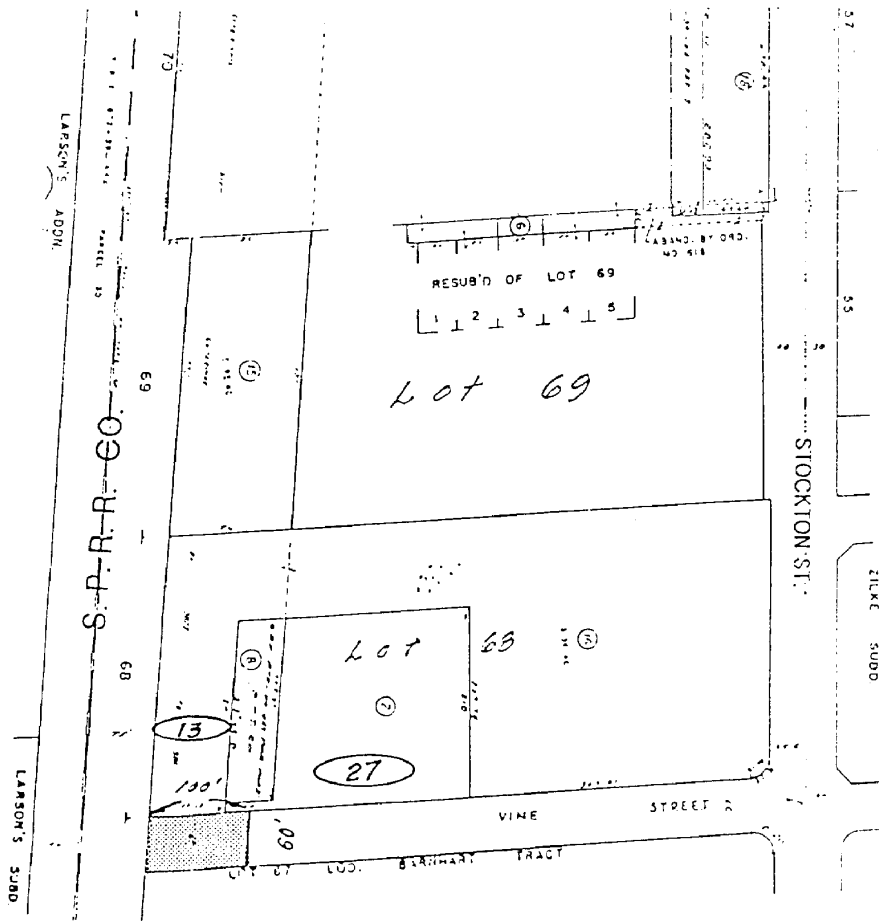
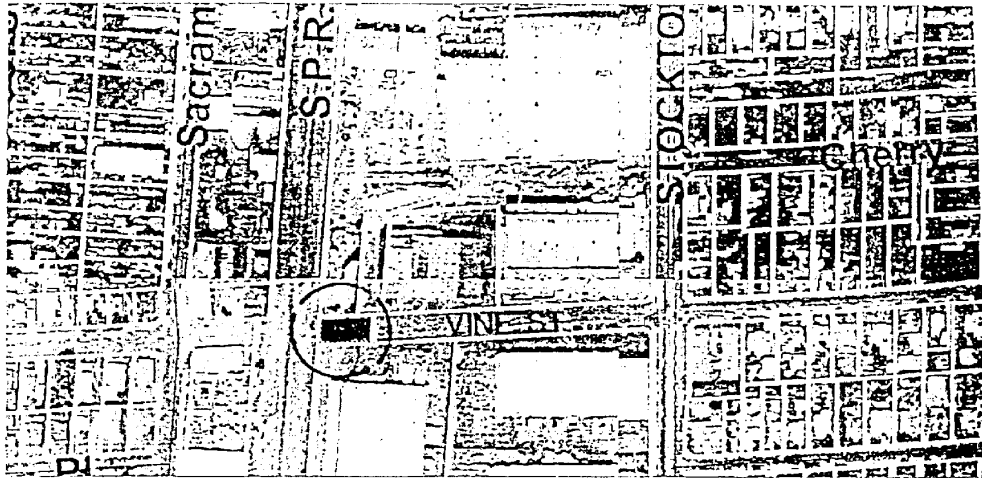


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

STREET ABANDONMENT



PLEASE RECORD AND RETURN TO:
Alice M. Reimche, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

DRAFT

RESOLUTION NO. 99-107

A RESOLUTION OF THE LODI CITY COUNCIL VACATING THE
VINE STREET FROM SOUTHERN PACIFIC RAILROAD RIGHT-
OF-WAY TO 100 FEET EAST ON VINE STREET

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WHEREAS, this City Council acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this State, did on the 2nd day of June, 1999 pass and adopt a Resolution of Intention No. 99-81 therein declaring the intention of said City Council to vacate that portion of Vine Street from Southern Pacific Railroad right-of-way to 100 Feet East on Vine Street, Lodi, California, County of San Joaquin, State of California, reserving, however, and excepting from the vacation, a permanent easement and right therein for all water, sanitary and industrial wastewater mains, valves, meters and manholes, both publicly and privately owned, in, over, and across said street, and more particularly described as follows, to wit:

A portion of Lot 68 and Lot 67 of "Lodi Barnhart Tract" as shown on the Map of Survey as filed for record in Book 22, Book of Surveys, at page 170, San Joaquin County Records being more particularly described as follows:

The South 30 feet of the West 100 feet of said Lot 68 and the North 30 feet of the West 100 feet of said Lot 67.

Excepting therefrom a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over and across said street.

No storage or construction on the abandoned street area is permitted.

WHEREAS, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidence by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

WHEREAS, in accordance with the provisions stated herein and also contained in the posted notices of the adoption of said resolution, notice was given that a public hearing would be held before the City Council in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California, beginning at 7:00 p.m. on Wednesday, July 21, 1999, where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

WHEREAS, at that time and place, a public hearing was held and conducted and testimony received for and against the vacation contemplated; and

WHEREAS, at the July 21, 1999 City Council meeting, from the evidence submitted, the City Council of the City of Lodi did determine that said portion of Sacramento Street is unnecessary for present or future public use and did so find and declare; and

WHEREAS, the Planning Commission did find that the subject vacation was consistent with the General Plan of the City of Lodi; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that Vine Street from Southern Pacific Railroad Right-of-Way to 100 Feet East on Vine Street, Lodi, California is hereby abandoned and more particularly described as follows:

A portion of Lot 68 and Lot 67 of "Lodi Barnhart Tract" as shown on the Map of Survey as filed for record in Book 22, Book of Surveys, at page 170, San Joaquin County Records being more particularly described as follows:

The South 30 feet of the West 100 feet of said Lot 68 and the North 30 feet of the West 100 feet of said Lot 67.

Excepting therefrom a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over and across said street.

No storage or construction on the abandoned street area is permitted.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

Dated: July 21, 1999

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I hereby certify that Resolution No. 99-107 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 21, 1999, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

ALICE M. REIMCHE
City Clerk



CITY OF LODI

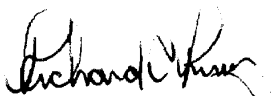
COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Intention to Vacate Vine Street from Southern Pacific Railroad (SPRR) Right of Way to 100 Feet East on Vine Street

MEETING DATE: July 21, 1999

PREPARED BY: Public Works Director

As stated in the Council Communication, attached is Resolution No. P.C. 99-20, the findings of the Planning Commission Meeting of July 14, 1999.


Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon Blaufus, Administrative Assistant

RCP/SB/lm

Attachment

cc: City Attorney
Community Development Director
Street Superintendent
Police Chief
Fire Chief
Affected Property and Business Owners

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. P.C. 99-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING CITY COUNCIL APPROVAL OF A REQUEST TO
VACATE VINE STREET FROM THE SOUTHERN PACIFIC RAILROAD
RIGHT-OF-WAY TO 100' FEET EAST ON VINE STREET**

WHEREAS, the Planning Commission of the City of Lodi has heretofore considered the request for street vacation pursuant to the City Code and the Streets and Highway Code.

WHEREAS, the adjacent property owners have requested the street to be vacated;

WHEREAS, the proposed vacation will not be detrimental to the City circulation system; and

WHEREAS, the proposed vacation is in keeping with the principles of the General Plan.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

The Planning Commission hereby recommends to the City Council that 100 feet of Vine Street be vacated east of the Southern Pacific Railroad right-of-way.

Date: July 14, 1999

I hereby certify that Resolution No. 99-20 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 14, 1999 by the following vote:

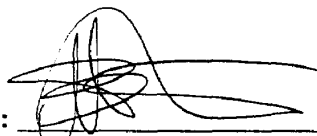
AYES: Commissioners: Borelli, Crabtree, Heinitz, McGladdery,
Rasmussen, and Schmidt

NOES:

ABSENT: Commissioners: Mattheis

ABSTAIN:

ATTEST:



Secretary, Planning Com



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Wednesday, July 21, 1999

Time: 7:00 p.m.

For information regarding this notice please contact:

Alice M. Reimche

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, July 21, 1999** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Resolution of Intention to abandon the west 100 feet of East Vine Street.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

This matter has been referred to the Planning Commission and will be heard at its regular meeting of July 14, 1999. Please contact the Community Development Department at (209) 333-6711 if you have any questions.


Alice M. Reimche
City Clerk

Dated: June 2, 1999

Approved as to form:


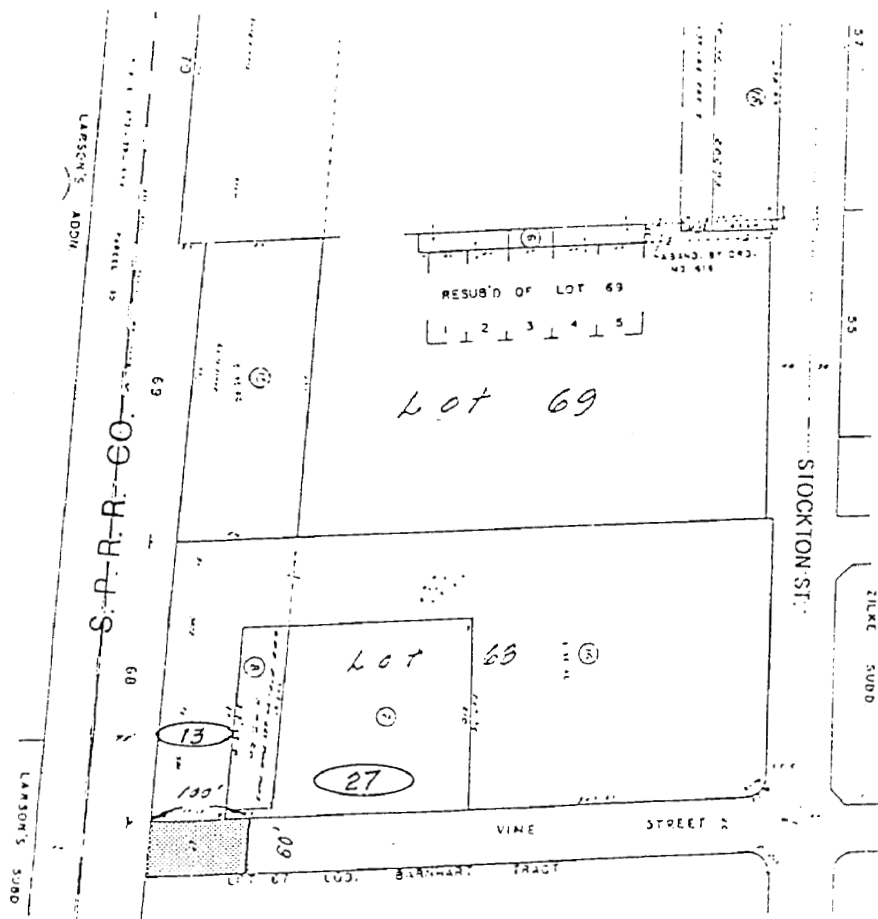
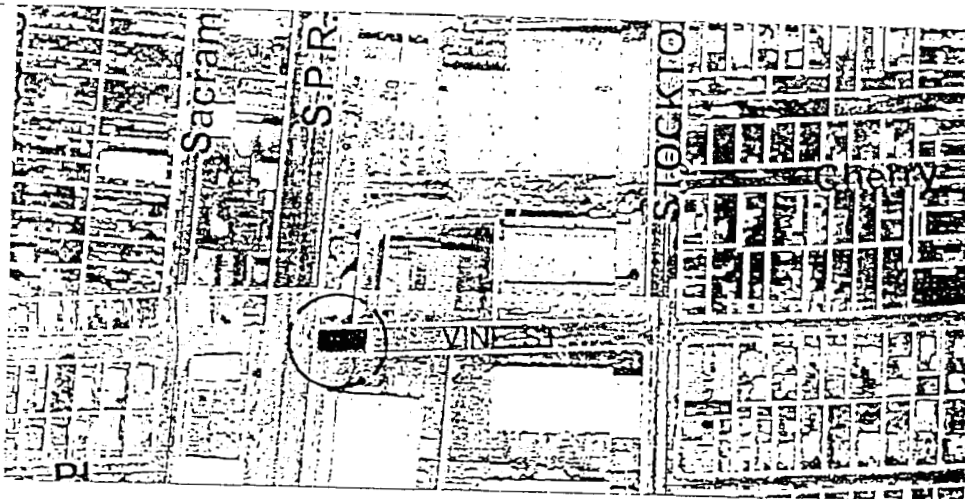

Randall A. Hays
City Attorney



EXHIBIT A
STREET ABANDONMENT



PLEASE RECORD AND RETURN TO:
Alice M. Reimche, City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 99-81

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO VACATE VINE STREET
FROM SOUTHERN PACIFIC RAILROAD (SPRR)
RIGHT-OF-WAY TO 100 FEET EAST ON VINE STREET

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BE IT RESOLVED by the City Council of the City of Lodi as follows:

Acting under the authority of Section 8333 of the Streets and Highways Code, the Lodi City Council hereby approves the vacation of Vine Street from Southern Pacific Railroad (SPRR) right-of-way to 100 feet east on Vine Street, as shown in San Joaquin County Records as follows:

A portion of Lot 68 and Lot 67 of "Lodi Barnhart Tract" as shown on the Map of Survey as filed for record in Book 22, Book of Surveys, at page 170, San Joaquin County Records being more particularly described as follows:

The South 30 feet of the West 100 feet of said Lot 68 and the North 30 feet of the West 100 feet of said Lot 67.

Excepting therefrom a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over and across said street.

Reference is hereby made to a drawing on file in the office of the City Clerk of the City of Lodi showing the particulars of the vacation.

Pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest in Vine Street from Southern Pacific Railroad (SPRR) right-of-way to 100 feet east on Vine Street as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

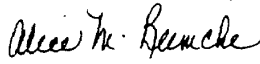
Pacific Coast Producers (PCP); City of Lodi; Pacific Bell

Dated: June 2, 1999

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I hereby certify that Resolution No. 99-81 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 1999, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Mann, Nakanishi, Pennino and
Land (Mayor)
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – None
ABSTAIN: COUNCIL MEMBERS – None


ALICE M. REIMCHE
City Clerk



DECLARATION OF MAILING

SET P.H. FOR 7/21/99 - Resolution of Intention to Abandon the west 100 feet of East Vine Street

On June 4, 1999 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 1999, at Lodi, California.

ORDERED BY:

**ALICE M. REIMCHE
CITY CLERK**



Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk

SOUTHERN PACIFIC RAILROAD CO
1700 FARNAM ST 10TH FL SOUTH
OMAHA NE 68102

INTERLAKE MATERIAL HANDLING INC
550 WARRENVILLE RD
LISLE IL 60532

MR PETE ZAHOS
PACIFIC COAST PRODUCERS
P O BOX 880
LODI CA 95241

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

July 15, 1999

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

Pacific Coast Producers
Attn: Pete Zahos
P. O. Box 880
Lodi, CA 95241

Southern Pacific Railroad
1700 Farnam St.
10th Floor South
Omaha, NE 68102

Nationwide Wire & Brush
P. O. Box 258
Lodi, CA 95241

SUBJECT: Public Hearing to Consider Intention to Vacate Vine Street from Southern Pacific Railroad (SPRR) Right of Way to 100 Feet East on Vine Street

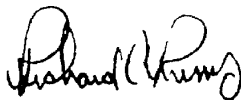
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, July 21, 1999. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Blaufus, Administrative Assistant, at (209) 333-6800, ext. 658.



Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: Pacific Coast Producers, Corporate Office
City Clerk ✓

CITY COUNCIL

KEITH LAND, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
SUSAN HITCHCOCK
ALAN S. NAKANISHI
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

July 16, 1999

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

Pacific Coast Producers
Attn: Pete Zahos
P. O. Box 880
Lodi, CA 95241

Southern Pacific Railroad
1700 Farnam St.
10th Floor South
Omaha, NE 68102

Nationwide Wire & Brush
P. O. Box 258
Lodi, CA 95241

SUBJECT: Public Hearing to Consider Intention to Vacate Vine Street from Southern Pacific Railroad (SPRR) Right of Way to 100 Feet East on Vine Street

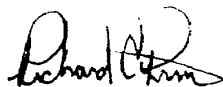
Enclosed is a copy of additional background information on subject item on the City Council agenda of Wednesday, July 21, 1999. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

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Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: Pacific Coast Producers, Corporate Office
City Clerk